

Planning Commission Date: October 8, 2003

Item No. ***4**

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Staci Pereira

Public Hearing: Yes: X No:

Notices Mailed On: N/A

Published On: 8/28/03

Posted On: N/A

TITLE: **SIX-MONTH REVIEW OF USE PERMIT AMENDMENT NO. P-UA2002-21:**

Proposal: Verification of compliance with conditions of approval including maximum number of seats and ensuring trash bins are kept within the existing enclosures at 89 S. Park Victoria Drive.

Location: 89 S. Park Victoria Drive (APN 88-04-048)

RECOMMENDATION: **Continue to October 22, 2003**

Applicant: Manuel Montono, 1467 Edsel Drive, Milpitas, CA 95035

Property Owner: James and Mamey Lam Trustee, 70 Cameo Way, San Francisco, CA 94131-1634

Previous Action(s): "S" Zone approval and amendments

Environmental Info: Exempt

General Plan Designation: Retail Sub-Center

Present Zoning: Neighborhood Commercial "C1" District

Existing Land Use: Shopping center

Agenda Sent To: Applicant (property manager) and property owner

Attachments: None

BACKGROUND

This item was continued from the Planning Commission meeting on September 24, 2003 because the business at this location has changed ownership and additional time was necessary for staff to coordinate with the new owner. The Planning Commission approved Use Permit Amendment No. P-UA2002-21 on March 12, 2003 for a reduction in the number of parking stalls required by the Zoning Code and the addition of 24 seats and beer and wine sales to an existing take-out restaurant. The approval required a six-month review to ensure compliance with all of the conditions of approval including maximum number of seats and ensuring trash bins are kept within the existing enclosures. Staff has made contact with the property manager and is working with him to bring the trash enclosure area at the rear of the site into conformance with the condition of approval that requires this area to be screened. This continuance should provide staff sufficient time to coordinate the completion of this improvement with the property manager in time for the Planning Commission hearing on October 22, 2003.

RECOMMENDATION

Keep the public hearing open. Continue the six-month review of Use Permit Amendment No. P-UA2002-21 to October 22, 2003.